

MINUTES  
**HOUSE RESOURCES & CONSERVATION COMMITTEE**

**DATE:** Wednesday, February 13, 2019

**TIME:** 1:30 P.M.

**PLACE:** Room EW40

**MEMBERS:** Chairman Gibbs, Vice Chairman Gestrin, Representatives Moyle, Shepherd, Wood, Boyle, Vander Woude, Mendive, Kauffman, Blanksma, Addis, Lickley, Moon, Raybould, Erpelding, Rubel, Toone, Mason

**ABSENT/  
EXCUSED:** Representative(s) Shepherd, Vander Woude

**GUESTS:** Paul Kline, Toby Boudreau, and Ed Schriever, Idaho Department of Fish and Game; Mat Weaver and Brian Patton, Idaho Department of Water Resources; Amber Renne, City of Boise; Marie Kellner and Alli Olson, Idaho Conservation League; Lynn Tominaga, Idaho Ground Water Association; Paul Arrington and Morgan Howard, Idaho Water Users Association; Kira Finkler, Trout Unlimited; Wyatt Prescott, Idaho Cattle Association; Benn Brocksome, Idaho Sportsmen's Alliance; Braden Jensen, Idaho Farm Bureau; Chris Bromley, McHugh Bromley PLLC; Ben Davenport, Idaho Mining Association; Doug Jones, Jones and Associates; Brandy Kay, Idaho Wool Growers; Brian Oakey, Idaho Wolf Depredation Control Board

**Chairman Gibbs** called the meeting to order at 1:30pm.

**MOTION:** **Rep. Kauffman** made a motion to approve the minutes of the February 5, 2019 meeting. **Motion carried by voice vote.**

**HCR 10:** **Rep. Bedke**, District 27, stated this Concurrent Resolution expresses Legislative support for the settlement agreement between the cities, the Surface Water Coalition, and the members of the Idaho Ground Water Appropriators on the Eastern Snake Plain Aquifer. He explained in 2016, the Director of the Idaho Department of Water Resources designated the Eastern Snake Plain Groundwater Management Area, which the cities opposed. In 2018 a settlement was reached between the cities, the Idaho Ground Water Appropriators and the Surface Water Coalition where the cities agreed to mitigate for their impacts of pumping from the aquifer by collectively delivering 7,600 acre feet of water to the Idaho Water Board annually, in addition to providing money to pay the expense for that amount of water to be recharged to the aquifer. Rep. Bedke stated this was a great settlement that will be in place for 35 years, it ties up the last loose ends, provides safe harbor for the 22 participating cities that other ground water users enjoy, provides opportunities for water users to work together, and keeps money going into the recharge program.

In response to a question regarding participating cities and population growth and how that will impact the 35 year agreement, **Rep. Bedke** stated this number over-mitigates their impacts which provides room for growth. He acknowledged the cities should be commended for their foresight by putting more on the table to accommodate for potential city growth.

**Chris Bromley**, Attorney, McHugh Bromley PLLC, stated they represent the 14 lower valley cities, and are **in support** of this settlement and this Concurrent Resolution.

**MOTION:** **Rep. Kauffman** made a motion to send **HCR 10** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Moyle** will sponsor the bill on the floor.

**Chairman Gibbs** recognized **Bradley Chrysler**, the committee's Page, for his excellent work during the first six weeks of the Legislative Session.

**HJM 4:**

**Rep. Blanksma**, District 23, stated this Joint Memorial expresses Legislative support for the efforts of raising Anderson Ranch Dam as one of the priorities for Idaho and urges the Congressional Delegation to ensure completion of the feasibility study and NEPA analysis in a timely manner. Additionally, this shows Idaho is prepared and ready should WIIN Act (Water Infrastructure Improvements for the Nations Act) funds become available. She stated raising the dam six feet will add an additional 29,000 acre feet of water storage to the Boise River Basin.

In response to questions regarding the Fiscal Note and the \$20 million from the General Fund, **Rep. Blanksma** explained the project is a 50-50 split between state and federal, with the Idaho Water Resources Board being the non-federal partner and the Bureau of Reclamation being the federal partner with federal funds coming through the WIIN Act. She explained the state would eventually be able to recoup most of its share of the project costs through permits for the new water the Water Board would contract out to organizations such as irrigation districts, canal companies, or cities. Money eventually generated from these contracts would go into an account for other water projects and not back into the General Fund. She concluded by stating with Idaho being proactive in setting aside one-time money for this project, it will show the state is serious and ready to move forward with this project.

**Doug Jones**, Lost Valley Reservoir Company and **Paul Arrington**, Idaho Water Users Association both spoke **in support** stating **HJM 4** is good legislation.

**Marie Callaway Kellner**, Idaho Conservation League, stated they are not taking a position on **HJM 4** but wanted to identify when discussing new dams, raising existing dams, or any other water storage project not to forget with additional water storage comes the need to also create protections for rivers below dams.

**Kira Finkler**, Trout Unlimited, stated they are taking a neutral position on **HJM 4** and offered suggestions regarding the process to consider with this project including bringing stakeholders together in a collaborative process to work on solutions to meet the long term needs of communities.

**MOTION:**

**Rep. Addis** made a motion to send **HJM 4** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Blanksma** will sponsor the bill on the floor.

**S 1039:**

**Carl Rey**, Idaho Wolf Depredation Control Board, stated the purpose of the bill is to reauthorize the Board by eliminating the sunset provision date of June 30, 2020 and reauthorizing the funding mechanism. This bill does not change the scope or authority of the Board.

In response to questions regarding \$200,000 appropriated from the General Fund for fiscal year 2020 rather than \$400,000 they had been appropriated in previous fiscal years, **Mr. Rey** explained due to the current state deficit coupled with the Board carrying a surplus, **Governor Little** recommended \$200,000 and the Board supported the recommendation for this one year. He further explained in order for the program to be sustainable, they will need at least \$400,000 annually, and maybe even more, in order to meet the increasing number of complaints and investigations the Board receives.

**MOTION:**

**Rep. Lickley** declared Rule 38 and made a motion to send **S 1039** to the floor with a **DO PASS** recommendation.

**Wyatt Prescott**, Idaho Cattle Association; **Ben Brocksome**, Idaho Sportsman's Alliance; and **Braden Jensen**, Idaho Farm Bureau, all stated they were **in support** of this bill because they believe the wolf problem is not going away.

In response to a question directed to **Mr. Prescott** as to why the word "nonlethal" was not included in the bill, he responded when dealing with problem wolves, nonlethal methods have been proven ineffective and therefore are not an option. He stated because problem wolves have already depredated, they know where to find food and will either keep coming back to the livestock they know about or will find a new source of food from another nearby herd.

**Brandy Kay**, Idaho Wool Growers, stated she is **in support** of this bill and does not want to see the inclusion of the word "nonlethal" in the bill.

In response to a request for an explanation about wolves killing guard dogs and the costs of those dogs, **Ms. Kay** explained guard dogs are very large dogs, cost approximately \$1,000 per dog and are very expensive to train and feed. She stated they wear spiked collars to help protect their necks if attacked by a wolf, but if a wolf pack attacks a guard dog, they generally succumb to the pack and are "ripped to shreds."

**Ed Schriever**, Director, Idaho Department of Fish and Game, stated the Fish and Game Commission was in support of **H 470**, passed in 2014 creating the Wolf Depredation Control Board, and the Commission remains **in support** of efforts to continue the Board as outlined in **S 1039**. He stated the Commission is fully aware it is their responsibility to manage wolves throughout the state and are actively looking at additional ways to manage wolves such as more opportunities and methods to increase wolf hunts.

In response to a question regarding collaring wolves, **Mr. Schriever** stated the collaring work has been increasing every year. They are maintaining active collars around the state and working with Wildlife Services to monitor collared wolves' activities to help with conflict management. He explained the determining factor for which funding source pays for the collars and tracking depends on where the work is being done and what is being targeted.

**VOTE ON THE MOTION:**

**Chairman Gibbs** called for a vote on the motion to send **S 1039** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Reps. Erpelding and Mason** requested to be recorded as voting **NAY. Rep. Lickley** will sponsor the bill on the floor.

**S 1041:**

**Lynn Tominaga**, Executive Director, Idaho Ground Water Appropriators, stated this bill meets two operational needs of ground water districts. The first establishes the ability for districts to issue a special assessment to pay for unexpected expenses in order to avoid a curtailment order from the Idaho Department of Water Resources Director. The second provides a means for districts to enforce compliance when water users willfully disregard their responsibilities based on mitigation plans approved by the Department. He explained this bill will allow the districts to levy an assessment against non-compliant users equal to 125% of the cost incurred by the district to cover the expense of the non-compliant user. It would also allow the district to issue an assessment of \$100 per acre foot of excess water used based on the non-compliant user's water right.

**Paul Arrington**, Idaho Water Users Association and **Matt Weaver**, Idaho Department of Water Resources stated they both were **in support** of **S 1041** because the various water users finally came together to address issues and concerns and this bill is a result of that work.

**MOTION:**

**Rep. Raybould** made a motion to send **S 1041** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Raybould** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:50pm.

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Representative Gibbs  
Chair

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Tracey McDonnell  
Secretary